

**KEN THERRIEN  
413 NORTH 2<sup>nd</sup> STREET  
YAKIMA, WA 98901  
(509) 457-5991**

### **Attorney for Defendant**

Miguel Reyes Garcia

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON  
(Honorable Edward F. Shea)

UNITED STATES OF AMERICA, )  
Plaintiff, ) NO. 4:15-CR-6049-EFS-21  
vs. ) MIGUEL REYES-GARCIA  
MIGUEL REYES GARCIA, ) REPLY TO GOVERNMENTS  
Defendant. ) RESPONSE BRIEF (ECF 650)  
Date: March 26, 2018 at 9:30  
a.m. Richland Wa.

COMES NOW the defendant, MIGUEL REYES GARCIA, and files this reply to the Governments response (ECF 650) to his bill of Particulars (ECF 620).

The Government finds the request for a Bill of Particulars concerning given the amount of discovery and that this case has been pending “approximately two (2) years.”

Miguel Reyes Garcia was arranged on January 18, 2017, counsel was not present at the arrangement (ECF 303). Counsel was appointed

MIGUEL REYES GARCIA REPLY TO  
GOVERNMENTS RESPONSE BRIEF (ECF 650)  
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1 later in the day to represent Mr. Reyes Garcia (ECF 300). Mr. Reyes  
2 Garcia has never requested or agreed to a continuance of his trial date  
3 since he has been in custody. The only extensions filed by Miguel Reyes-  
4 Garcia were extensions of time to file his pre-trial motions.  
5

6 In the summer/fall of 2017, Mr. Reyes Garcia had to request, at  
7 the minimum, two extensions of the pre-trial motions deadline to obtain  
8 fingerprint evidence from the Government. This was necessary because  
9 counsel for Mr. Reyes-Garcia was subsequently advised by the  
10 Government that the FBI was not going to re-test the fingerprint  
11 evidence. This required the Government to obtain the fingerprint  
12 evidence directly from the RCMP.  
13

14 January 18, 2018 would make one-year since Mr. Reyes Garcia  
15 was indicted. Even if Mr. Reyes-Garcia was involved in this case for two  
16 years what does it matter? FRCrP 7(f) allows the defendant to move for a  
17 bill of particulars “at a later time if the Court permits.” Mr. Reyes-  
18 Garcia’s request for a bill of particulars is timely. The motion involves 3  
19 areas of inquiry with 3 questions. Each of the questions are simple and  
20 straight forward. None of the anonymous controlled human sources or  
21 controlled informants identified in the discovery provide particular  
22 instances or evidence for the defense to determine what role Mr. Reyes-  
23 Garcia allegedly held the Casillas Drug Trafficking Organization during  
24 the material time periods alleged. Much of the alleged evidence deals  
25 with second hand knowledge and speculation.  
26  
27

28  
29       The Bill of Particulars is an attempt by Miguel Reyes-Garcia to  
30       identify sources of information and cooperating defendant's identities prior  
31       to the Court's Ordered disclosure

The motion for a bill of particulars was filed on February 6, 2018 pursuant to the Court's order (ECF 620). The motion was noted argument for March 6, 2018, the date of the pre-trial conference. This was done in compliance pursuant to the Court's Case Management Order (ECF 532). The disclosures of the controlled informant's identities, Giglio disclosures and grand jury transcripts were due on February 23, 2018. It was the Government which filed an eleventh-hour motion on February 22, 2018 (ECF 654) requesting an extension of the previously agreed disclosure date of February 23, 2018. It is somewhat disingenuous for the Government to now argue that the defense filed its motion for bill of particulars in order to circumvent the case management order previously agreed by the parties and ordered by the Court.

## Conclusion

Mr. Reyes-Garcia respectfully request that this Court grant his Motion for a Bill of Particulars.

DATED: February 27, 2018.

s/ Ken Therrien  
KEN THERRIEN, WSBA#20291  
Attorney for Miguel Reyes Garcia  
413 North Second Street  
Yakima, WA 98901  
(509) 457-5991  
Fax: (509) 457-6197

1  
2 CERTIFICATE OF SERVICE  
3

4 I hereby certify under penalty of perjury of the laws of the State of  
5 Washington that on February 27, 2018, I electronically filed the  
6 foregoing with the Clerk of the Court using the CM/ECF System which  
7 will send notification of such filing to the following:  
8

9 Stephanie Van Marter  
10 U.S. Attorney's Office

Robbin Emmans  
[robin\\_emmans@secondstreetlaw.com](mailto:robin_emmans@secondstreetlaw.com)

11 Lee Edmond  
12 [ledmond.esq@gmail.com](mailto:ledmond.esq@gmail.com)

Jim Egan  
[jim.egan@owt.com](mailto:jim.egan@owt.com)

13 Ricardo Hernandez  
14 [hloffice@basinis.com](mailto:hloffice@basinis.com)

Richard A. Smith  
[rasmith@house314.com](mailto:rasmith@house314.com)

16 Rick Hoffman  
17 [rick\\_hoffman@fd.org](mailto:rick_hoffman@fd.org)

Troy Lee  
[troylee@qwestoffice.net](mailto:troylee@qwestoffice.net)

18 Victor Lara  
19 [vh\\_lara@hotmail.com](mailto:vh_lara@hotmail.com)

Adam Pechtel  
[adam@pechtellaw.com](mailto:adam@pechtellaw.com)

21 Gregory L. Scott  
22 [ggregory@scottlaw.net](mailto:ggregory@scottlaw.net)

John Gregory Lockwood  
[jgregorylockwood@hotmail.com](mailto:jgregorylockwood@hotmail.com)

23 Samuel Swanberg  
24 [2lawyers@owt.com](mailto:2lawyers@owt.com)

Scott W. Johnson  
[scott@johnsonorr.com](mailto:scott@johnsonorr.com)

26 Caitlin Baunsgard  
U.S. Attorney's Office

29 *s/ Ken Therrien*  
30

KEN THERRIEN, WSBA#20291  
31 Attorney for Miguel Reyes Garcia